

REMARKS

This Preliminary Amendment is filed in order to facilitate processing in the above-identified application. In particular, claims 13 and 19 have been amended to make explicit what is implicit in the claims. Support for the amendment can be found on page 33, lines 14-17.

Applicants respectfully traverse the Examiner's rejection of the claims over *Shou et al.* Applicants respectfully point out that it would not be obvious that two end caps could be formed of different lengths so as to terminate on a common line. Applicants respectfully submit that lengthening of the end cap, which is not necessarily required to be long in order to align with ends of other end caps, generally results in an increase in parasitic capacitance. Therefore, Applicants respectfully submit that a person of ordinary skill in the art would not lengthen the end caps without a specific purpose in mind such as in the claimed invention to prevent current leakage.

Additionally, Applicants respectfully point out that nothing in *Shou et al.* shows, teaches or suggests providing a gate electrode with a margin (end cap) and in addition further point out to the Examiner that the gate electrode shown in Fig. 3 of *Shou et al.* is not provided with the end cap. Applicants respectfully submit a person of ordinary skill in the art would not be motivated to arrive at the structure as claimed in claims 13 and 19 to prevent current leakage by making the length of the end caps of the second gate electrode larger and thus extend beyond a third edge. In particular, nothing in the prior art shows, teaches or suggests a) a first end of a first gate electrode extends beyond a fourth edge and extends over a top surface of an insulating film, b) the first end of the second gate electrode extends beyond the third

edge and extends over the top surface of an insulating film, c) lengths of end caps of the first and second electrodes are made unequal by making the length of the end cap of the second gate electrode which is defined by a second length (portion extending beyond the third edge) larger than that of the end cap of the first gate electrode which is defined by a first length (portion extending beyond the fourth edge). Therefore, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

Thus, it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

If for any reason the Examiner feels that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

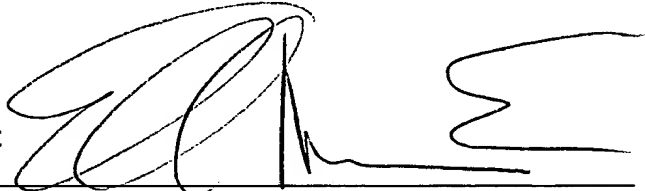
In the event that any additional fees are due with this paper, please charge
our Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: March 12, 2004

By:

A handwritten signature in black ink, appearing to read 'Ellen Marcie Emas', written over a horizontal line.

Ellen Marcie Emas
Registration No. 32,131

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620